1 | EDMUND G. BROWN JR.
Attorney General of the State of California
2 | DANE R. GILLETTE
Chief Assistant Attorney General
3 | JULIE L. GARLAND
Senior Assistant Attorney General
4 | HEATHER BUSHMAN
Supervising Deputy Attorney General
5 | JACQUELINE MAI, State Bar No. 235224
Deputy Attorney General
6 | 110 West A Street, Suite 1100
San Diego, CA 92101
7 | P.O. Box 85266
San Diego, CA 92186-5266
8 | Telephone: (619) 645-3199
Fax: (619) 645-2581
9 | Email: Jacqueline.Mai@doj.ca.gov

10 | Attorneys for Respondent

11

12 | IN THE UNITED STATES DISTRICT COURT

13 | FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14

JOSE RAMIREZ-SALGADO,	08-CV-0562 WQH (WMc)
Petitioner,	**DECLARATION OF JACQUELINE MAI IN SUPPORT OF RESPONDENT'S REQUEST FOR STAY PENDING ISSUANCE OF THE MANDATE IN** *HAYWARD*
v.	
LARRY E. SCRIBNER, WARDEN (A), ET AL.,	
Respondent.	Judge: Judge:The Honorable William McCurine, Jr.

21 | **DECLARATION OF JACQUELINE MAI**

22 | I, Jacqueline Mai, hereby declare and state:

23 | 1.   I am an attorney at law, duly admitted and licensed to practice law in this Court. I am

24 | employed as a deputy attorney general for the State of California. In that capacity, I am the

25 | attorney representing Respondent in this matter. The following facts are based on my own

26 | personal knowledge, except for those facts based on information and belief, which I believe to be

27 | true. If called upon as a witness to testify, I could and would, competently testify about the

28 | following facts.

Declaration of Jacqueline Mai   Case No. 08-CV-0562 WQH (WMc)

1

1   2.   On May 14, 2008, the Court issued an Order Requiring Response to Petition.

2   Accordingly, the Motion to Dismiss is due on or before June 30, 2008, and an Answer is due on

3   or before July 14, 2008.

4   3.   Respondent seeks to stay of these proceedings to allow the Ninth Circuit to issue the

5   mandate in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008), *reh'g en banc granted*, __ F.3d

6   __, No. 06-55392 (9th Cir. filed May 16, 2008). The en banc court in *Hayward* may decide

7   whether California has created a federally protected liberty interest in parole for life inmates, and

8   if a liberty interest is created, what process is due under clearly established Supreme Court

9   authority. Thus, the outcome in that case may determine the outcome in this case.

10   4.   In the alternative, should the Court deny Respondent's stay request, Respondent

11   respectfully requests a thirty-day extension of time from the date the Court denies the stay

12   request to file his responsive pleading to allow Respondent a sufficient amount of time necessary

13   to prepare a proper response.

14   5.   I do not believe that Petitioner will be prejudiced by an extension of time. This request

15   for an extension of time is based on good cause as described above and is not made for the

16   purpose of harassment, or to create undue delay or for any other improper reason whatsoever.

17   6.   Petitioner, who is incarcerated, will be served with a copy of this ex parte application

18   at the address he provided to the Clerk of this Court.

19   I declare under the penalty of perjury and the laws of the United States of America that the

20   foregoing is true and correct. Executed this 30th day of June, 2008, at San Diego, California.

21

22

23   */s/ Jacqueline Mai*
                                  JACQUELINE MAI
24

25

26

27
     70128906.wpd
28   SD2008801441

Declaration of Jacqueline Mai   Case No. 08-CV-0562 WQH (WMc)

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Name: **Ramirez-Salgado v. Scribner**

Case No.:   **08-CV-0562 WQH (WMc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 30, 2008, I served the following document:

> **DECLARATION OF JACQUELINE MAI IN SUPPORT OF RESPONDENT'S REQUEST FOR STAY PENDING ISSUANCE OF THE MANDATE IN *HAYWARD***

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

Manual Notice List

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing):

Jose Ramirez-Salgado, CDCR #C11124
Calipatria State Prison
P.O. Box 5001
Calipatria, CA 92233-5001

In Pro Per
CDC #C11124

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case:

NONE

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 30, 2008, at San Diego, California.

C. Valdivia
_____
Declarant

(signature)
_____
Signature

SD2008801441
70128909.wpd